

REMARKS

The Examiner rejected Claims 19 and 27 under 35 U.S.C. 102(b) as being anticipated by USP 5,804,512 to Lickfield, *et al* (hereafter "Lickfield"). Applicant submits that these claims as amended above are not anticipated by Lickfield.

Lickfield teaches a porous electrostatically charged sheet. In particular, Lickfield teaches that the sheet is constructed from electrostatically charged fibers and that the electrostatic charge improves the filtration properties of the sheet. Since the sheet acts as a filter, it is inherently porous. Furthermore, the top and bottom sheets that sandwich the electrostatically charged sheet must also be porous for the filtration properties of the middle sheet to be utilized. Hence, such a sheet could not protect a surface. The above amendments to the claims make it clear that the electrostatically charged sheet is water impermeable, and hence, distinguish the present invention from that taught in Lickfield.

The Examiner rejected Claims 20 and 23 under 35 U.S.C. 103(a) as being unpatentable over USP 5,804,512 to Lickfield in view of USP 5,730,922 to Babb, *et al* (hereafter "Babb"). Applicant submits that these claims as amended above are not anticipated by these references, since Lickfield does not teach the impermeable limitation of Claim 19 from which these claims depend.

Claims 21 and 28 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over USP 5,804,512 to Lickfield in view of USP 4,828,582 to Hermann. Applicant submits that Claims 21 and 28 as amended above are not obvious in view of these references.

First, Lickfield does not teach the impermeable limitation of Claim 19 from which these claims depend. Hermann does not provide the missing teaching.

With reference to Claim 28, neither of these references teaches that the cells prevent liquid from moving from one cell to the other. Accordingly, there are additional grounds for allowing Claim 28.

The Examiner rejected Claim 22 under 35 U.S.C. 103(a) as being unpatentable over USP 5,804,512 to Lickfield in view of USP 4,828,582 to Hermann and further in view of USP 5,807,366 to Milani. Applicant submits that Claim 22 as amended above is not obvious in view of these references. Lickfield does not teach the impermeable limitation of Claim 19 from which these claims depend. Neither Hermann nor Milani provide the missing teaching. In addition, Milani teaches away from the present invention. Milani teaches that the absorbent material is charged with a charge that is opposite that of the particles to improve the distribution of the particles by repelling the particles. The present invention relies on the charge in the foam to immobilize uncharged particles that are formed when a liquid dries in the foam. Finally, it should be noted that, contrary to the Examiner's reading of Milani, Milani does not teach that the charging of the foam and particles provides a liquid barrier functionality or improved liquid distribution. Other layers in the composition taught in Milani provide these functions.

The Examiner rejected Claim 24 under 35 U.S.C. 103(a) as being unpatentable over Lickfield in view of Babb, and further in view of USP 5,807,366 to Milani. Applicant submits that Claim 24 as amended above is not obvious in view of these references. As pointed out above, Lickfield does not teach the impermeable limitation of Claim 19 from which Claim 24 depends. The missing limitation is not taught in Babb or Milani. Furthermore, as noted above, Milani teaches that the absorbent material is charged with a charge that is opposite that of the particles to improve the distribution of the particles by repelling the particles. The present invention relies on the charge in the foam to immobilize uncharged particles that are formed when a liquid dries in the foam.

The Examiner rejected Claim 25 under 35 U.S.C. 103(a) as being unpatentable over Lickfield, in view of USP 6,261,679 to Chen, *et al* (hereafter "Chen"). Applicant submits that Claim 25, as amended above, is not obvious in view of these references. As noted above,

Lickfield, does not teach the impermeable limitation of Claim 19 from which Claim 25 depends. Chen does not provide the missing teaching. In addition, Chen does not teach the hydrophobic boundaries that prevent liquid from moving between the cells. In particular, the Examiner points to Chen teaching that the material absorbs fluids. If the cell boundaries of the material taught in Chen prevented liquid from flowing between the boundaries, i.e., into and out of the cells, the material would not have the liquid absorption property.

The Examiner rejected Claim 26 under 35 U.S.C. 103(a) as being unpatentable over Lickfield in view of USP 3,838,692 to Levesque. Applicant submits that Claim 22 as amended above is not obvious in view of these references. Lickfield does not teach the impermeable limitation of Claim 19 from which these claims depend. Lesveque does not provide the missing teaching.

With reference to the Examiner's contention that the recitation "allowing liquid to penetrate....", is not a positive recitation and does not constitute a limitation in any patentable sense, Applicant must disagree.

The Examiner rejected Claims 1-3 and 7 under 35 U.S.C. 103(a) as being unpatentable over Lickfield in view of USP 6,261,679 to Chen. Applicant submits that these claims, as amended above, are not obvious in view of these references. As noted above, Lickfield does not teach the water impermeable limitation of Claim 1 or that the absorbent layer is divided into a plurality of cells in which liquid is prevented from moving between the cells. Chen does not provide the missing teachings for the reasons discussed above with reference to the rejection of Claim 25.

The Examiner rejected Claim 4 under 35 U.S.C. 103(a) as being unpatentable over Lickfield in view of Chen and further in view of USP 5,807,366 to Milani. Applicant submits that Claim 4, as amended above, is not obvious in view of these references and repeats the arguments made above with reference to the rejection of Claim 22.

The Examiner rejected Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Lickfield in view of Chen and further in view of Babb. Applicant submits that Claim 5, as amended above, is not obvious in view of these references and repeats the arguments made above with reference to the rejection of Claim 23 and the teachings of these references.

The Examiner rejected Claim 6 under 35 U.S.C. 103(a) as being unpatentable over Lickfield, in view of Chen, and further in view of Babb and Milani. Applicant submits that Claim 6, as amended above, is not obvious in view of these references and repeats the arguments made above with reference to the rejection of Claim 24.

The Examiner rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Lickfield in view of Chen and further in view of Levesque. Applicant submits that Claim 8, as amended above, is not obvious in view of these references and repeats the arguments made above with reference to the rejection of Claim 26.

The Examiner rejected Claims 1-3, 5, 19-21, 23, and 27-28 under 35 U.S.C. 103(a) as being unpatentable over Babb in view of Hermann. Applicant submits that these claims, as amended above, are not obvious in view of these references.

The Examiner maintains that Babb teaches an electrostatically charged sheet because Babb refers to a surface treatment using corona discharge during the fabrication of the article taught in Babb. First, the reference to surface treatment using corona discharge and other methods refers to treating the surface on which the polymer is to be applied. Corona discharge treatment of surfaces alters the surface chemistry of the surface. While corona discharge can leave a surface charge on a surface, such treatments are also used to remove surface charges. Hence, the effect of such treatments cannot be determined without further details. Furthermore, the mere fact that a surface that is to receive a polymer is treated in a manner that charges the surface does not require that the polymer layer that is deposited on that surface is electrostatically charged after the deposition of the polymer. Hence, the Examiner has not shown that such treatments necessarily lead to an electrostatically charged polymer layer.

The Examiner goes on to refer to a limitation "for containing liquid spilled on said absorbent layer" as not being a patentable limitation. Applicant must respectfully point out that such a limitation does not exist in any of the claims, and hence, the Examiner's arguments with respect to this limitation are irrelevant.

The Examiner admits that Babb does not disclose an absorbent layer with a plurality of cells (e.g. Claims 1 or 28) or define an open foam cell sheet (e.g. Claims 2 or 21). The Examiner looks to Hermann for the missing teachings. As noted above, Hermann does not teach an absorbent layer that is divided into cells that prevent liquid from moving between the cells. Hence, there are additional grounds for allowing Claims 1, 2, and 28.

The Examiner rejected Claims 4, 6, 22, and 24 under 35 U.S.C. 103(a) as being unpatentable over Babb in view of Hermann and further in view of Milani. Applicant submits that these claims as amended above are not obvious in view of these references and repeats the arguments made with reference to the rejection based on Babb in view of Hermann. Milani does not provide the missing teachings. In addition, as pointed out above, the Examiner's argument for combining the teachings of Milani is flawed, as Milani does not teach that charging the foam or fibrous mat improves liquid distribution or provide a liquid barrier.

The Examiner rejected Claims 7 and 25 under 35 U.S.C. 103(a) as being unpatentable over Babb in view of Hermann and further in view of Chen. Applicant submits that these claims as amended above are not obvious in view of these references and repeats the arguments made with reference to the rejection based on Babb in view of Hermann. Chen does not provide the missing teachings. In addition, as pointed out above, Chen does not teach the hydrophobic boundaries that prevent liquid from moving between the cells. In particular, the Examiner points to Chen teaching that the material absorbs fluids. If the cell boundaries of the material taught in Chen prevented liquid from flowing between the boundaries, i.e., into and out of the cells, the material would not have the liquid absorption property.

The Examiner rejected Claims 8 and 26 under 35 U.S.C. 103(a) as being unpatentable over Babb in view of Hermann and further in view of Levesque. Applicant submits that these claims, as amended above, are not obvious in view of these references and repeats the arguments made above with respect to the rejections based on Babb and Hermann. Levesque does not provide the missing teachings.

I hereby certify that this paper is being sent by FAX to 703-872-9306.

Respectfully Submitted,



Calvin B. Ward
Registration No. 30,896
Date: March 1, 2004

18 Crow Canyon Court, Suite 305
San Ramon, CA 94583
Telephone (925) 855-0413
Telefax (925) 855-9214